

UNITED STATES BANKRUPTCY COURT
DISTRICT OF ARIZONA

In re:

Case No.: 2:09-bk-18416-CGC

STANLEY THOMAS LUND and JUNE MARIE
LUND
Debtor(s)

Chapter: 7

THE BILTMORE BANK OF ARIZONA
Plaintiff(s)

Adversary No.: 2:09-ap-01577-CGC

v.

STANLEY THOMAS LUND
et al.
Defendant(s)

**NOTICE OF SCHEDULING CONFERENCE AND ORDER
RE: RULES OF PROCEDURE**

IT IS HEREBY ORDERED:

1. Pursuant to Bankruptcy Rule 7016, the parties are to appear at a Scheduling Conference not to exceed 15 minutes at the U.S. Bankruptcy Court, 230 N. First Avenue, 6th Floor, Courtroom 601, Phoenix, AZ before the Honorable Charles G. Case II on 2/17/10 at 11:00 AM.
2. Except as modified or limited by this Order, Federal Rules of Civil Procedure 26 through 37 (as amended 2009), made applicable to this proceeding by Rules of Bankruptcy Procedure 7026 through 7037, shall apply to all discovery in this proceeding.
3. The parties shall hold their initial meeting pursuant to Rule 26(f) no later than 21 days prior to the Scheduling Conference ordered hereby. At the parties' discretion and where appropriate, this meeting may be held telephonically.
4. The parties shall make the initial disclosures required by Rule 26(a) not later than 14 days following the Rule 26(f) meeting held pursuant to paragraph 3 of this Order.
5. At the Scheduling Conference, after consultation with the parties, and considering the nature of the claims to be resolved, the Court will decide whether further compliance with Rules of Civil Procedure 26(a), (d), (e)(1), and (g)(1) is necessary or appropriate in this proceeding. If further compliance is excused, limited or conditioned, the Court will enter such further scheduling orders at the Scheduling Conference as may be appropriate in the circumstances.
6. If an evidentiary hearing is required, the dates for discovery cut off, for exchanging lists of witnesses and copies of all exhibits, for filing a joint pretrial statement and the time and length of the hearing will be discussed at the Scheduling Conference. Counsel are to have access to such information as they deem necessary to advise the Court of the reasonableness and convenience of the trial setting. The court may set the matter for trial at the Scheduling Conference.

7. If no specific date is set for identification of witnesses and exchange of exhibits and unless otherwise ordered by the Court, all witnesses are to be identified and copies of exhibits exchanged no later than one week prior to the evidentiary hearing.

Any witnesses not timely identified or exhibits not timely exchanged will not be heard or admitted into evidence. The failure of any party to cooperate in and/or timely comply with these procedures may result in the imposition of sanctions against such party and/or attorney for such party.

8. Parties should consult the Court's website, **www.azb.uscourts.gov**, under Local Arizona Rules/Judge's Procedures/Judge Case II for directions on preparation, copying, numbering and presentation of exhibits at trial.

Date: January 4, 2010

BY THE COURT

Address of the Bankruptcy Clerk's Office:

U.S. Bankruptcy Court, Arizona
230 North First Avenue, Suite 101
Phoenix, AZ 85003-1727
Telephone number: (602) 682-4000
www.azb.uscourts.gov

HONORABLE Charles G. Case II
United States Bankruptcy Judge